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17 UNITED STATES DISTRICT COURT

18 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

19 WAYMO LLC,

20 CASE NO. 3:17-cv-00939-WHA

21 Plaintiff,

22 vs.
23 **PLAINTIFF WAYMO LLC'S
24 ADMINISTRATIVE MOTION TO FILE
25 UNDER SEAL ITS SUBMISSION TO
26 SPECIAL MASTER COOPER
27 REGARDING UBER'S OBLIGATION TO
28 PRODUCE JACOBS LETTER AND
RELATED DOCUMENTS**

29 UBER TECHNOLOGIES, INC.;
30 OTTOMOTTO LLC; OTTO TRUCKING
31 LLC,

32 Defendants.

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1 Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests
 2 to file under seal information in its December 5, 2017 Submission To Special Master Cooper
 3 Regarding Uber’s Obligation To Produce Jacobs Letter And Related Documents (“Waymo’s
 4 Submission”). Specifically, Waymo requests an order granting leave to file under seal the portions of
 5 the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Portions of Waymo’s Submission	Portions highlighted in blue	Defendants
Exhibit 1	Entire document	Defendants
Exhibit 2	Entire document	Defendants
Exhibit 3	Portions highlighted in green	Waymo
	Portions highlighted in blue	Defendants
Exhibit 4	Portions highlighted in green	Waymo
Exhibit 5	Portions highlighted in green	Waymo
Exhibit 6	Portions highlighted in green	Waymo
Exhibit 7	Portions highlighted in green	Waymo
Exhibit 10	Portions highlighted in green	Waymo
	Portions highlighted in blue	Defendants
Exhibit 11	Portions highlighted in green	Waymo
Exhibit 13	Portions highlighted in green	Waymo
Exhibit 14	Entire document	Defendants

I. LEGAL STANDARD

18 Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or
 19 portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under
 20 the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored
 21 to seek sealing only of sealable material.” *Id.*

II. UBER’S CONFIDENTIAL INFORMATION

23 Waymo seeks to seal the portions of Waymo’s Submission and exhibits thereto because they
 24 contain information that Defendants have designated or may designate as confidential and/or highly
 25 confidential. Declaration of Lindsay Cooper (“Cooper Dec.”) ¶ 3. Waymo expects Defendants to file
 26 one or more declarations in accordance with the Local Rules. *Id.*

1 **III. UNITED STATES ATTORNEY LETTER**

2 Waymo seeks to seal the yellow highlighted portions of Waymo's Submission that quote from
 3 a letter from the United States Attorney, which the Court has held shall remain sealed until at least
 4 December 13 at noon. (*Id.* at ¶ 4; Dkt. 2307).

5 **IV. THE COURT SHOULD SEAL WAYMO'S CONFIDENTIAL INFORMATION**

6 The Court should seal the portions of Waymo's Submission and exhibits thereto identified by
 7 Waymo in the table above. Waymo seeks to file this information under seal because it discloses
 8 Waymo's trade secrets and confidential business information. *See Cooper Dec.*, ¶ 5. Courts have
 9 determined that trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd.*
 10 *v. Foote*, No. 14-cv-03078-JSC, 2015 WL 3993147, at *1 (N.D. Cal. June 30, 2015) (quoting
 11 *Kamakana*, 447 F.3d at 1179); *see also Brocade Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-
 12 3428 PSG, 2013 WL 211115, at *1, *3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document
 13 that "consists entirely of descriptions of Brocade's trade secrets."). Confidential business information
 14 that, if released, may "harm a litigant's competitive standing" also merits sealing. *See Nixon v.*
 15 *Warner Commc'ns, Inc.*, 435 U.S. 589, 598-99 (1978). Waymo seeks to seal confidential business
 16 information and trade secret information that fit squarely within these categories. *Cooper Dec.* ¶ 5.
 17 Waymo maintains this information as a trade secret (*see* Dkt. 25-31) and ensures the information
 18 remains secret with strict secrecy and security protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo
 19 has narrowly tailored its requests to only information meriting sealing. *Id.* In fact, both *Music Grp.*
 20 and *Brocade* found the confidential information at issue in those cases met the heightened
 21 "compelling reasons" standard for sealing. *Music Grp.*, 2015 WL 3993147, at *1; *Brocade*, 2013 WL
 22 211115, at *1, *3. The information that Waymo seeks to seal, therefore, also meets this heightened
 23 standard. The disclosure of Waymo's trade secret and confidential business information would harm
 24 Waymo. *Cooper Dec.* ¶ 5. Thus, the Court should grant Waymo's administrative motion to seal.
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1 **V. CONCLUSION**

2 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the
3 above listed documents accompany this Administrative Motion. For the foregoing reasons,
4 Waymo respectfully requests that the Court grant Waymo's Administrative Motion.

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6 DATED: December 11, 2017

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7 LLP

8 By /s/ Charles Verhoeven
9 Charles Verhoeven
10 Attorneys for WAYMO LLC

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